

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 233 of 2011 (O&M)
Date of Decision: 07.3.2017

New India Assurance Co. Ltd.

.....Appellant

Versus

Sham Chand and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vinod Gupta, Advocate
for the appellant.

None for the respondents.

ANITA CHAUDHRY, J

This is the appeal by the insurance company disputing their liability to pay the compensation awarded by the Motor Accident Claims Tribunal, Panipat.

An award of Rs. 2,38,380/- was passed in favour of the claimant who had suffered injuries in an accident which had occurred on 27.2.2008. An objection had been taken by the insurance company with respect to the driving licence and also with respect to the permit.

The submission on behalf of the appellant is that the owner did not have a permit for the relevant period and therefore their liability should have been discharged.

In my view, the arguments are fallacious. The trial Court had elaborately dealt with this issue and had noted that the permit fee had been deposited from time to time and permit had been renewed from time to time.

September 2009 had been deposited but the permit for the deposited period was not renewed since the matter was pending before the High Court and the insurance company could not escape from its liability.

I find no infirmity in the findings recorded by the Tribunal. The fee had been deposited. It was only renewal which had not been done by the department due to pendency of the matter before the High Court and the insurance company could not claim exoneration.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

March 07, 2017

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No